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7 Attorneys for Plaintiff  
UNITED STATES OF AMERICA

8 UNITED STATES DISTRICT COURT  
9  
10 FOR THE CENTRAL DISTRICT OF CALIFORNIA

11 UNITED STATES OF AMERICA,

12 Plaintiff,

13 v.

14 CHARLES GOSWITZ,

15 Defendant.

No. CR 15-00251-BRO

GOVERNMENT'S POSITION WITH RESPECT  
TO SENTENCING FACTORS; SENTENCING  
POSITION; EXHIBIT

Hearing Date: October 26, 2015  
Hearing Time: 9:00 a.m.

Location: Courtroom of the Hon.  
Beverly Reid O'Connell

17  
18 Plaintiff United States of America, by and through its counsel  
19 of record, the United States Attorney for the Central District of  
20 California, in accordance with the provisions of Sentencing  
21 Guidelines Manual Section 6A1.2, and consistent with the terms of the  
22 plea agreement between the parties, hereby adopts without objection  
23 the findings and recommendations of the United States Probation  
24 Office, including the recommendation that defendant be sentenced at  
25 the low-end of the 57-71 months advisory guidelines sentencing range  
26 to a term of imprisonment of 57 months.

27 In support of this sentence, the government further adopts the  
28 justification set forth in the United States Probation Office's

1 disclosed sentencing recommendation and believes that justification  
2 is more than sufficient grounds for the recommended sentence taking  
3 into consideration the sentencing factors at 18 U.S.C. § 3553(a).

4 Indeed, notwithstanding any mitigation argued by defendant, the  
5 sexual exploitation of minors is a very serious offense, and, while  
6 the government did not prove, or attempt to prove that defendant knew  
7 his victim in this case was a minor, there was evidence that  
8 defendant intentionally targeted very young girls. In particular,  
9 many of the photographs of girls defendant contacted for commercial  
10 sex (as recovered from defendant's computer) looked as if they were  
11 juveniles.<sup>1</sup> Additionally, as set forth in the underlying complaint  
12 affidavit in this case, even after being told by HSI agents that his  
13 victim in this case was a juvenile and possibly a victim of human  
14 trafficking, defendant attempted to re-contact her. Moreover, when  
15 asked about the nature of his subsequent communication, defendant was  
16 less than forthcoming. Specifically, defendant stated that he had  
17 contacted a girl who looked to him like his prior victim using a  
18 different name, and stated to her something along the lines of, "you  
19 look a lot like Beautiful Ashlyn." However, when the agents reviewed  
20 the actual communication, what defendant actually said was: "Rates?  
21 Menu? BBBJ? Thanks," which contrary to defendant's Representation,

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26 <sup>1</sup> Photographs of some of these girls were shown to defense  
27 counsel prior to defendant's guilty plea and will be available for  
28 viewing by the Court at the sentencing hearing if the Court deems it  
necessary.

appears to be a solicitation for sex. (See Exhibit 1 at 37-40).<sup>23</sup>

Dated: Oct. 12, 2015

Respectfully submitted,

EILEEN M. DECKER  
United States Attorney

/s/  
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LAWRENCE S. MIDDLETON  
Assistant United States Attorney  
Chief, Criminal Division

Attorneys for Plaintiff  
UNITED STATES OF AMERICA

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<sup>2</sup> Exhibit 1 is an excerpt of the underlying Criminal Complaint filed in this case.

<sup>3</sup> Finally, the United States Probation Office correctly states that the maximum punishment for defendant's offense of conviction includes a mandatory 5-year period of supervised release. In the written plea agreement the government incorrectly advised that the maximum punishment included a 3-year term of supervised release. Notwithstanding that defendant was misadvised as to the maximum period of supervised release, the error is harmless where the sentence imposed, including the period of supervised release, does not exceed the statutory maximum punishment that the defendant was advised that he could receive at the change of plea hearing. See United States v. Roberts, 5 F.3d 365, 368-69 (9th Cir. 1993); United States v. Brown, 586 F.3d 1342, 1346 (11th Cir. 2009). In this case, defendant was advised that the maximum period of confinement for the crime to which defendant was pleading guilty was twenty years. Nevertheless, prior to imposing sentence, the government respectfully asks that the court advise defendant that the maximum punishment for the crime to which he pleaded guilty includes a mandatory 5-year period of supervised release, and confirm on the record that defendant does not wish to withdraw his guilty plea.